

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

NATIONAL AMERICAN INSURANCE  
COMPANY,

Plaintiff,

vs.

Civ. No. 15-1169 KG/KBM

ABC CONCRETE MFG. CO., INC.; ABC  
CONCRETE MFG. CO., INC. d/b/a ABC  
SEPTIC SYSTEMS, INC.; NICHOLAS  
MONTANO; and NATIONAL CASUALTY  
COMPANY,

Defendants,

-and-

NATIONAL CASUALTY COMPANY,

Counter Claimant,

vs.

NATIONAL AMERICAN INSURANCE  
COMPANY,

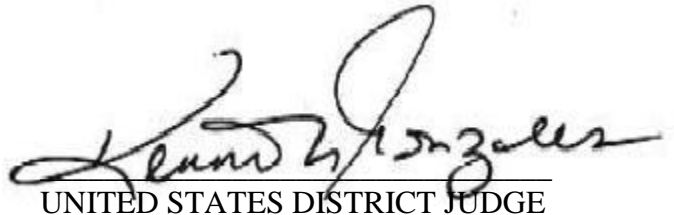
Counter Defendant.

PARTIAL SUMMARY JUDGMENT AND ORDER OF DISMISSAL

Having denied Plaintiff National American Insurance Company's Motion for Summary Judgment (Doc. 68) and having granted, in part, Defendant National Casualty Company's Motion for Summary Judgment (Doc. 74) by entering a Memorandum Opinion and Order contemporaneously with this Partial Summary Judgment and Order of Dismissal,

IT IS ORDERED that

1. Summary judgment is entered against Plaintiff National American Insurance Company on its claim for contract reformation;
2. Plaintiff National American Insurance Company's claims against Defendants National Casualty Company, ABC Concrete Mfg. Co., Inc., ABC Concrete Mfg. Co., Inc. d/b/a ABC Septic Systems, Inc., and Nicholas Montano are dismissed with prejudice;
3. Defendants ABC Concrete Mfg. Co., Inc., ABC Concrete Mfg. Co., Inc. d/b/a ABC Septic Systems, Inc., and Nicholas Montano are dismissed from this lawsuit, thereby, terminating Plaintiff National American Insurance Company's lawsuit in its entirety;
4. Summary judgment is entered against Defendant National Casualty Company on its equitable contribution counterclaim against Plaintiff National American Insurance Company for the cost of defending the July 2014 Accident, and that counterclaim is dismissed with prejudice; and
5. Summary judgment is entered against Plaintiff National American Insurance Company on Defendant National Casualty Company's counterclaim for subrogation of the settlement of the July 2014 Accident, the cost of defending the Underlying Lawsuit, and the property damage settlement related to the Underlying Lawsuit, with costs yet to be determined.



UNITED STATES DISTRICT JUDGE